

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MICHAEL STARNES

PLAINTIFF

V.

CAUSE NO. 3:16-CV-681-CWR-FKB

UNITED STATES OF AMERICA

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge F. Keith Ball.¹ That Report recommends that this Court grant the dismissal motion filed by Defendants.² Starnes filed what this Court considers a timely Objection to that Report.³

The Objection gives no reason to believe the Report is clearly erroneous or contrary to law. As the Report explains, Dr. Ted H. Jefferson was neither an employee of the Federal Bureau of Prisons nor the United States Penitentiary Marion Health-Services Department. For this reason, the United States cannot be liable for the claims Starnes has brought against it regarding his treatment by Jefferson.⁴

Under Federal Rule of Civil Procedure 72, this Court will ADOPT the Report's recommendations. Defendants' motion for summary judgment is GRANTED. As recommended by the Report, Starnes has until May 14, 2018 to satisfy the prerequisites of 735 Ill. Comp. Stat. 5/2-622 (2013) regarding his claims against United States Penitentiary medical staff. If he does not, a separate Final Judgment shall issue dismissing this case.

SO ORDERED, this the 14th day of March, 2018.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE

¹ Docket No. 33.

² *Id.* at 8 (discussing Docket No. 27).

³ Docket No. 39.

⁴ Docket No. 33 at 3-6.